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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/871,661	06/04/2001	Elad Barkan	BRK-PU-002-US1	1312
60956 7590 06/17/2010 Professional Patent Solutions P.O. BOX 654 HERZELIYA PITUACH, 46105 ISRAEL				
EXAMINER ADDY, THUAN KNOWLIN				
ART UNIT		PAPER NUMBER		
2614				
NOTIFICATION DATE		DELIVERY MODE		
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

09/871,661

Applicant(s)

BARKAN, ELAD

Examiner

THJUAN K. ADDY

Art Unit

2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 March 2010.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 40-42 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 40-42 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 01 July 2008 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Statement(s) (PTO/SF/42)
Paper No(s)/Mail Date _____
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. Applicant's amendment filed on March 01, 2010 has been entered. No claims have been amended. Claims 1-39 have been cancelled. No claims have been added. Claims 40-42 are still pending in this application, with claims 40, 41, and 42 being independent.

Claim Rejections - 35 USC § 103

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
3. Claims 40-42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson et al. (US 6,497,599), in view of Xu et al. (US 6,501,732), and further in view of Hannel et al. (US Patent Application, Pub. No.: US 2008/0028436 A1).
4. In regards to claim 40, Johnson discloses a gateway (See Fig. 1A and gateway GPRS support node (GGSN) 36/serving GPRS support node (SGSN 35) to a packet based data network (See Fig. 1A and data network 32) (See col. 4 lines 38-46) comprising: a transceiver (See Fig. 1A – 1B, primary transceiver 25, and data traffic transceiver 27) adapted to establish a radio frequency link with a mobile device (See Fig. 1A and Fig. 1B, mobile unit 20) (See col. 3 lines 25-31); a first interface (See Fig. 1A and Fig. 1B, data traffic system controller 40) adapted to facilitate data flow between the mobile device and the data network (See col. 4 lines 38-41). Johnson, however,

does not disclose a controller adapted to regulate data flow between the mobile device and the data network based on information stored on a consideration related policy database, which is connected to the data network. Xu, however, does disclose a controller (See Fig. 2-3 and data flow controller 120) adapted to regulate data flow between the mobile device (See Fig. 2 and mobile user 19a) and the data network (See Fig. 2 and data network 80) based on information (e.g., buffer size) stored on a consideration related policy database (See Fig. 3 and MSC buffer monitor 126), which is connected to the data network (See col. 5 lines 42-58, col. 6 lines 3-13, and col. 6 lines 55-67). Therefore, it would have been obvious for one of ordinary skill in the art at the time of the invention to incorporate this limitation within the system and method, as a way of controlling the flow of data from a data network to a mobile user over a wireless link, in order to control the amount of data sent to the mobile switch center, as to avoid overflowing the mobile switch center buffer. Johnson, neither Xu, however, disclose a consideration related policy database, which is connected to the data network through a second interface. Hannel, however, does disclose a consideration related policy database (See Fig. 2 and master policy manager/access control database 205), which is connected to the data network (See Fig. 2 and Internet 121) through a second interface (See pg. 5, paragraph [0077] and paragraph [0085]). Therefore, it would have been obvious for one of ordinary skill in the art at the time of the invention to incorporate this limitation within the system and method, as a way of controlling access to data, and more specifically, controlling access to data in a distributed environment.

5. In regards to claim 41, Johnson discloses a communication system (See Fig. 1A and mobile communications system 10) comprising: two or more gateways (See Fig. 1A, gateway GPRS support node (GGSN) 36, and serving GPRS support node (SGSN) 35) functionally associated with a packet based data network (See Fig. 1A and data network 32) (See col. 4 lines 38-46); a transceiver (See Fig. 1A – 1B, primary transceiver 25, and data traffic transceiver 27) adapted to establish a radio frequency link with a mobile device (See Fig. 1A and Fig. 1B, mobile unit 20) (See col. 3 lines 25-31); a first interface (See Fig. 1A and Fig. 1B, data traffic system controller 40) adapted to facilitate data flow between the mobile device and the data network (See col. 4 lines 38-41). Johnson, however, does not disclose a consideration related policy database connected to a packet based data network, and a controller adapted to regulate data flow between the mobile device and the data network based on information stored on a consideration related policy database. Xu, however, does disclose a consideration related policy database (See Fig. 3 and MSC buffer monitor 126) connected to a packet based data network (See Fig. 2 and data network 80), and a controller (See Fig. 2-3 and data flow controller 120) adapted to regulate data flow between the mobile device (See Fig. 2 and mobile user 19a) and the data network based on information (e.g., buffer size) stored on a consideration related policy database (See col. 5 lines 42-58, col. 6 lines 3-13, and col. 6 lines 55-67). Johnson, neither Xu, however, disclose a consideration-related policy database connected to a packet based data network through a second interface. Hannel, however, does disclose a consideration-related policy database (See Fig. 2 and master policy manager/access control database 205),

connected to a packet based data network (See Fig. 2 and Internet 121) through a second interface (See pg. 5, paragraph [0077] and paragraph [0085]).

6. In regards to claim 42, Johnson discloses a method of providing data to a mobile device (See Fig. 1A and Fig. 1B, mobile unit 20) (See col. 4 lines 51-54) comprising: establishing a data link between the mobile device and a radio frequency transceiver (See Fig. 1A – 1B, primary transceiver 25, and data traffic transceiver 27) functionally associated with a packet based data network (See Fig. 1A and data network 32) (See col. 3 lines 25-31) through a first interface (See Fig. 1A and Fig. 1B, data traffic system controller 40) (See col. 4 lines 38-41). Johnson, however, does not disclose regulating data between the mobile device and the packet based data network based on information stored on a consideration related policy database which is connected on the network. Xu, however, does disclose regulating data (for example, via data flow controller 120, See Fig. 2-3) between the mobile device (See Fig. 2 and mobile user 19a) and the packet based data network (See Fig. 2 and data network 80) based on information (e.g., buffer size) stored on a consideration related policy database (See Fig. 3 and MSC buffer monitor 126) which is connected on the network (See col. 5 lines 42-58, col. 6 lines 3-13, and col. 6 lines 55-67). Johnson, neither Xu, however, disclose a consideration related policy database which is connected on the data network through a second interface. Hannel, however, does disclose a consideration related policy database (See Fig. 2 and master policy manager/access control database 205) which is connected on the data network (See Fig. 2 and Internet 121) through a second interface (See pg. 5, paragraph [0077] and paragraph [0085]).

Response to Arguments

7. Applicant's arguments filed 03/01/2010 have been fully considered but they are not persuasive.

8. In response to Applicant's argument that none of the three references, alone or in combination, teach or suggest the limitation of "... regulating data between the mobile device and the packet based data network based on information stored on a consideration related policy database which is connected on the data network through a second interface", Examiner respectfully disagrees. Xu discloses a controller (See Fig. 2-3 and data flow controller 120) adapted to regulate data flow between the mobile device (See Fig. 2 and mobile user 19a) and the data network (See Fig. 2 and data network 80) based on information (e.g., buffer size) stored on a consideration related policy database (See Fig. 3 and MSC buffer monitor 126), which is connected to the data network (See col. 5 lines 42-58, col. 6 lines 3-13, and col. 6 lines 55-67) and Hannel, further discloses a consideration related policy database (See Fig. 2 and master policy manager/access control database 205), which is connected to the data network (See Fig. 2 and Internet 121) through a second interface (See pg. 5, paragraph [0077] and paragraph [0085]).

9. In response to Applicant's argument that there is no mention or suggestion of regulating access to a packet based data network from the gateway, Examiner would like to bring to Applicant's attention that this limitation is not recited in the body of the claim(s). In response to applicant's arguments, the recitation of regulating access to a packet based data network from the gateway has not been given patentable weight

because the recitation occurs in the preamble. A preamble is generally not accorded any patentable weight where it merely recites the purpose of a process or the intended use of a structure, and where the body of the claim does not depend on the preamble for completeness but, instead, the process steps or structural limitations are able to stand alone. See *In re Hirao*, 535 F.2d 67, 190 USPQ 15 (CCPA 1976) and *Kropa v. Robie*, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951). Furthermore, the preamble neither the body of claim 42, recite the use of a gateway.

10. In response to Applicant's argument that Xu reference fails to teach a consideration related policy database which is connected to a packet based network and accessed by a gateway, Examiner would once again like to bring to Applicant's attention that this limitation is not recited in the body of the claim(s). In response to applicant's arguments, the recitation of a consideration related policy database which is connected to a packet based network and accessed by a gateway has not been given patentable weight because the recitation occurs in the preamble. A preamble is generally not accorded any patentable weight where it merely recites the purpose of a process or the intended use of a structure, and where the body of the claim does not depend on the preamble for completeness but, instead, the process steps or structural limitations are able to stand alone. See *In re Hirao*, 535 F.2d 67, 190 USPQ 15 (CCPA 1976) and *Kropa v. Robie*, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951). Furthermore, the preamble neither the body of claim 42, recite the use of a gateway.
11. In response to Applicant's argument that Xu reference clearly fail to teach a consideration related policy database used by an RF gateway to a packet-based

network, as recited in all the pending independent claims, Examiner would once again like to bring to Applicant's attention that this limitation is not recited in the body of the claim(s). In response to applicant's arguments, the recitation of a consideration related policy database used by an RF gateway to a packet-based network has not been given patentable weight because the recitation occurs in the preamble. A preamble is generally not accorded any patentable weight where it merely recites the purpose of a process or the intended use of a structure, and where the body of the claim does not depend on the preamble for completeness but, instead, the process steps or structural limitations are able to stand alone. See *In re Hirao*, 535 F.2d 67, 190 USPQ 15 (CCPA 1976) and *Kropa v. Robie*, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951). Furthermore, the preamble neither the body of claim 42, recite the use of a gateway. Also, neither claim 40, 41, or 42 recite the use of an **RF gateway**.

Conclusion

12. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).
13. A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to THJUAN K. ADDY whose telephone number is (571)272-7486. The examiner can normally be reached on Mon-Fri 8:30-5:00pm.

15. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar can be reached on (571) 272-7488. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

16. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Thjuan K. Addy/
Primary Examiner, Art Unit 2614

